IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 36890 of 2004(N)

AGAINST THE ORDER DATED 4/2/04 IN EA.619/2003 IN EP.199/2000 IN OS.721/1990 of PRL.SUB COURT,KOTTAYAM

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PETITIONER:

P.H.PATHUMMA, PAZHAYAMPALLIL VEEDU,
ERATTUPETTA.

BY ADV. SRI.M.J.THOMAS

RESPONDENT:

ITTY IPE CHERIAN,
KOSANATTATHILAYA PUTHENPURAYIL
NATTASSERY, VIJAYAPURAM, KOTTAYAM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.36890/04

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF SALARY CERTIFICATE OF PETR. ISSUED BY SECRETARY, ERATTUPETTA SERVICE CO-OP. BANK.

EXT.P2 – TRUE COPY OF RP SUBMITTED BY PETR. BEFORE SUB COURT, KOTTAYAM.

EXT.P3 – TRUE COPY OF ORDER IN E.A.619/03 IN EP.199/00 IN O.S.721/90 DT.4.2.04 OF SUB COURT, KOTTAYAM.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.36890 OF 2004

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DATED THIS THE 19TH JUNE, 2007

J U D G M E N T

This Writ Petition is remaining defective for non-completion of service of notice on the respondent-decree-holder. Though the order impugned is one for attachment of salary of the petitioner, according to the petitioner, what is now ordered to be attached is in excess of what is attachable under Section 60 C.P.C. Though this Court was inclined to grant stay against the impugned order initially, the same has not been extended after 24.1.2005. In all probability the impugned order has become operative. If the petitioner continues to be aggrieved by the impugned order, she is permitted to produce the most recent salary certificate and seek review of the impugned order. If such a review petition supported by the recent salary certificate of the petitioner is received, the court below will pass orders after hearing the decree-holder also.

The Writ Petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

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